

Remarks

In view of the above amendments and the following remarks, reconsideration of the rejection and further examination are requested.

The specification and abstract have been reviewed and revised to make a number of editorial revisions thereto. A substitute specification and abstract have been prepared and are submitted herewith. No new matter has been added. Also submitted herewith is a marked-up copy of the specification and abstract indicating the changes incorporated therein.

Claims 3-9 have been indicated as containing allowable subject matter. The Applicant would like thank the Examiner for this indication of allowable subject matter.

Claims 1 and 2 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Cappendijk (US 2003/0025676) in view of Applicant's admitted prior art (AAPA).

Claim 1 has been amended so as to include the limitations of claim 2 and claim 2 has been canceled without prejudice or disclaimer to the subject matter contained therein.

Further, claims 1 and 3-9 have been amended to make a number of editorial revisions thereto. These revisions have been made to place the claims in better U.S. form. None of these amendments have been made to narrow the scope of protection of the claims, or to address issues related to patentability, and therefore, these amendments should not be construed as limiting the scope of equivalents of the claimed features offered by the Doctrine of Equivalents.

The above-mentioned rejection is respectfully traversed and submitted to be inapplicable to the claims for the following reasons.

Claim 1 is patentable over the combination of Cappendijk and AAPA, since claim 1 recites an information display device including, in part, a menu display controller operable to cause a menu of a hierarchical menu showing an operation item group of an apparatus to be displayed on a display screen in response to a switch signal from an input device when a hand of an operator enters a range which is within a predetermined distance away from the input device, and terminate the display of the menu of the hierarchical menu after the hand of the operator is taken off of the input device; a counter operable to count a period of time during which the hand of the operator is in the range; and a delay time setting means for setting, based on the period of time counted by the counter, a delay time that is a period of time from an instant at which the hand of the operator is taken off of the input device until the menu display controller terminates the display of the menu of the hierarchical menu, wherein, when the hand of the operator is taken

off of the input device, the menu display controller terminates the display of the menu of the hierarchical menu after the set delay time has passed. The combination of Cappendijk and AAPA fails to disclose or suggest these features of claim 1.

Cappendijk discloses a graphical interface 100 including a panel 102 and a sensor 104. The sensor 104 can detect a movement in its detecting range and is configured to detect an individual's presence in a region from the sensor 104. The sensor 104 controls the display of a graphical menu 106 on the panel 102. The menu 106 is displayed when the sensor 104 detects the individual's presence in the vicinity of the sensor 104.

During operation, the menu 106 appears on the panel 102 when the sensor 104 detects, for example, a hand 110 of the individual. In a first embodiment, the menu 106 may be displayed while the hand 110 of the individual is in the detecting range of sensor 104 and the menu 106 can then be hidden when the hand 110 leaves the detecting range. In a second embodiment, the menu 106 is displayed when the hand 110 of the individual enters the detecting range of the sensor 104. The menu 106 is then hidden after a predetermined elapsed period of time regardless of whether or not the hand 110 of the individual is still in the detecting range of the sensor 104. (See page 2, paragraphs [0016] – [0019] and Figure 2).

In the rejection, the second embodiment of Cappendijk which discloses that the menu 106 is displayed when the hand 110 of the individual enters the detecting range and then hidden again after a predetermined elapsed period of time regardless of whether or not hand 110 of the individual is still in the detecting range of the sensor 104 is relied upon as corresponding to the above-mentioned features of claim 1. However, the counter recited in claim 1 is operable to count a period of time during which the hand of the operator is in the range. On the other hand, the device 100 of Cappendijk performs a count that starts when the hand 110 of the individual enters the detecting range of the sensor 104 until a predetermined elapsed period of time is reached, and then stops counting and ends the display of the menu 106 regardless of whether or not the hand 110 remains in the range of the sensor 104. Clearly, the counting performed by the claimed counter and the counting disclosed in Cappendijk are not the same and do not correspond to each other.

Further, the claimed delayed time setting means is for setting, based on the period of time counted by the counter, a delay time that is a period of time from an instant at which the hand of the operator is taken off of the input device until the menu display controller terminates the

display of the menu of the hierarchical menu. Cappendijk fails to disclose or suggest the setting of a delay time from an instant at which the hand 110 of the individual is taken off an input device. Again, the device 100 of Cappendijk only performs the count which begins when the hand 110 enters the detecting range of the sensor 104.

Finally, the claimed menu display controller terminates the display of the menu of the hierarchical menu after the set delay time has passed when the hand of the operator is taken off of the input device. It is clear that Cappendijk also fails to disclose or suggest this feature of claim 1, since Cappendijk does not even contemplate the removal of the hand 110 from an input device as a counter reference point. Therefore, in order for the combination of Cappendijk and AAPA to render the present invention as recited in claim 1 obvious, it is necessary for AAPA to disclose or suggest these features of claim 1.

Regarding AAPA, it is relied upon as disclosing the use of a hierarchical menu to control an apparatus. However, it is clear that AAPA fails to disclose or suggest the above-discussed features recited in claim 1. As a result, claim 1 patentable over the combination of Cappendijk and AAPA.


Because of the above-mentioned distinctions, it is believed clear that claims 1 and 3-9 are allowable over the references relied upon in the rejection. Furthermore, it is submitted that the distinctions are such that a person having ordinary skill in the art at the time of invention would not have been motivated to make any combination of the references of record in such a manner as to result in, or otherwise render obvious, the present invention as recited in claims 1 and 3-9. Therefore, it is submitted that claims 1 and 3-9 are clearly allowable over the prior art of record.

In view of the above amendments and remarks, it is submitted that the present application is now in condition for allowance. The Examiner is invited to contact the undersigned by telephone if it is felt that there are issues remaining which must be resolved before allowance of the application.

Respectfully submitted,

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June 13, 2006